

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LISA A. KENNICOTT, LISA A. GARCIA, SUE C.  
PHELPS, and JUDI DOOLITTLE, on behalf of  
themselves and a class of those similarly situated,

Case 1:17-cv-00188 JB

Plaintiffs,

v.

SANDIA CORPORATION d/b/a SANDIA NATIONAL  
LABORATORIES,

Defendant.

**UNOPPOSED MOTION TO WITHDRAW LISA KENNICOTT AS A CLASS  
REPRESENTATIVE AND SEVER CLAIMS**

Plaintiffs move the Court to allow Lisa Kennicott to withdraw as a named Plaintiff and proposed Class representative. *See* Fed. R. Civ. P. 21<sup>1</sup>

As grounds for this motion, Plaintiffs state:

1. Plaintiff Lisa Kennicott would like to withdraw as a named plaintiff and class representative in this matter. Declaration of Lisa Kennicott, attached as Ex. A ¶ 1
2. Plaintiff Kennicott further would like to be severed from this case and proceed in a separate action on an individual, non-representative basis to pursue her own individual claims. *See* Ex. A ¶ 2.
3. Plaintiff Lisa Kennicott disclaims any interest in the class claims that were or that could have been asserted in the Class Action Complaint and Amended Class Action Complaint.

---

<sup>1</sup> Rule 21 provides that “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.”

4. This motion is made without prejudice to Ms. Kennicott's individual claims against Sandia.
5. Ms. Kennicott's withdrawal as a named Plaintiff and severance from this matter will not cause any prejudice to the other three named Plaintiffs—Sue Phelps, Judi Doolittle, and Lisa Garcia, who concur in her withdrawal and severance from this matter.
6. Without waiving its position that no class has been, or could have been, certified in this action, Sandia does not oppose this motion.

Wherefore, Plaintiff Lisa Kennicott respectfully requests that the Court allow her to withdraw as a proposed class representative, drop her as a party to this action, sever her claims from this case, and allow her to proceed as an individual, non-representative party plaintiff in a separate action.

Dated: 4/3/19

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

By: /s Anne B. Shaver  
Kelly M. Dermody (N.M. Fed. Bar No. 17-18)  
Anne B. Shaver (N.M. Fed. Bar No. 17-22)  
Michael Levin-Gesundheit (N.M. Fed. Bar No. 17-20)  
Tiseme Zegeye (N.M. Fed. Bar No. 17-69)  
**LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**  
275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: (415) 956-1000  
Facsimile: (415) 956-1008  
E-Mail: kdermody@lchb.com  
E-Mail: ashaver@lchb.com  
E-Mail: mlevin@lchb.com  
E-Mail: tzegeye@lchb.com

Gretchen Elsner (N.M. Fed. Bar No. 07-169)  
**ELSNER LAW & POLICY, LLC**  
150 Washington Avenue, Suite 201  
Santa Fe, NM 87501  
Telephone: (505) 303-0980  
E-Mail: gretchen@elsnerlaw.org

Adam T. Klein\*  
Cheryl-Lyn Bentley\*  
**OUTTEN & GOLDEN LLP**  
685 Third Avenue, 25th Floor  
New York, NY 10017  
Telephone: (212) 245-1000  
Facsimile: (212) 977-4005  
E-Mail: atk@outtengolden.com  
E-Mail: cbentley@outtengolden.com

Rachel Bien\*  
**OUTTEN & GOLDEN LLP**  
601 South Figueroa Street, Suite 4050  
Los Angeles, CA 90017  
Telephone: (323) 673-9900  
Facsimile: (646) 509-2058  
E-Mail: rmb@outtengolden.com

*Attorneys for Plaintiffs and the proposed Class*

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

LISA A. KENNICOTT, LISA A.  
GARCIA, and SUE C. PHELPS, on behalf  
of themselves and a class of those similarly  
situated,

Plaintiffs,

v.

SANDIA CORPORATION d/b/a SANDIA  
NATIONAL LABORATORIES,

Defendants.

Case 1:17-cv-00188 JB

**DECLARATION OF LISA A. KENNICOTT  
IN SUPPORT OF UNOPPOSED MOTION  
TO WITHDRAW AS NAMED PLAINTIFF**

**DECLARATION OF LISA A. KENNICOTT IN SUPPORT OF UNOPPOSED MOTION  
TO WITHDRAW AS NAMED PLAINTIFF**

I, Lisa A. Kennicott, declare:

1. I wish to withdraw as a named plaintiff and class representative in the matter of  
*Kennicott v. Sandia Corp.*, 1:17-cv-00188 JB.

2. I am not dismissing my individual claims against the Defendant, Sandia  
Corporation. I wish for my individual claims to be severed from this case.

3. I declare under penalty of perjury under the laws of the United States and the  
State of New Mexico that the foregoing is true and correct and that this declaration was executed  
in Albuquerque, New Mexico on March 31, 2019.

Dated: 3/31/2019

By: /s/

  
Lisa Kennicott

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of April, 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused all counsel to be served by electronic means:

By: /s/ Michael Levin-Gesundheit